

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDUL MANSOUR and JULIA MANSOUR,
husband and wife,

Plaintiffs,

vs.

BRITISH AIRWAYS, PLC, a Foreign
Corporation; HUNTLEIGH USA, Corporation,

Defendants.

No. 2:18-cv-01757-BJR

JOINT PRE-TRIAL STATEMENT

Pursuant to Local Rule 16(h) and (i) of the United States District Court for the Western District of Washington and the Notice of Trial and Order Setting Deadlines, the parties disclose the following information:

1. FEDERAL JURISDICTION

This action is brought pursuant to 28 U.S.C. § 1331. This action arises under the laws and treaties of the United States and thereby presents federal law. The subject matter of this claim involves an accident that occurred during international air travel, and this cause of action arises from treaty agreement, namely the Montreal Convention. The court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1332.

1 **2. CLAIMS FOR RELIEF WHICH PLAINTIFFS INTENDS TO PURSUE AT**
2 **TRIAL**

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4 Plaintiffs intend to pursue all seven causes of action set forth in the Complaint at trial.

5 **2.A CLAIMS FOR RELIEF WHICH PLAINTIFFS INTENDS TO PURSUE AT**
6 **TRIAL**

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8 This Court has entered its ORDER GRANTING PLAINTIFFS' MOTION FOR
9 PARTIAL SUMMARY JUDGMENT. The only issues to be tried are proximate cause, the
10 nature and extent of the injuries alleged by the Plaintiffs, and damages.

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12 **3. RELEVANT FACTS ABOUT WHICH PLAINTIFF ASSERTS THERE IS**
13 **NO DISPUTE AND WHICH PLAINTIFF IS PREPARED TO ADMIT**

14 Plaintiff identifies the following facts that he maintains are undisputed:

15 1. Prior to January 10, 2018, Mr. Mansour and British Airways entered into a contract
16 for international carriage, as that term is known and defined in Article 1 of the Montreal
17 Convention, providing Mr. Mansour and his wife with 1st class tickets SeaTac International
18 Airport in King County, Washington, to Heathrow Airport in London, England. The parties
19 entered into this contract for international carriage while Mr. Mansour was in Seattle,
20 Washington.

21
22 2. Pursuant to this contract for international carriage, on or about January 10, 2018,
23 plaintiffs, Abdul Mansour and Julie Mansour, were passengers on British Airways Flight
24 BA0048 from Seattle, Washington, to London, England.

25
26 3. Prior to the flight to London, Mr. Mansour had advised British Airways that he
27 was disabled, used a wheelchair and that he would require boarding and other assistance. When
28

1 he and his wife arrived at SeaTac airport, Mr. Mansour was advised by British Airways that he
 2 would be assisted onto the aircraft and to his seat by two employees of Huntleigh USA, with
 3 whom British Airways had contracted to provide such services to disabled passengers.
 4

5 4. When they arrived at the aircraft on the jetway, the two Huntleigh employees
 6 attempted to transfer Mr. Mansour from the wheelchair to a chair to take him to his seat. During
 7 this maneuver, the Huntleigh employees negligently, recklessly and carelessly dropped Mr.
 8 Mansour, head first, wedging his head and body between the jet way and the aircraft doorway
 9 causing serious bodily injury. Mr. Mansour blacked out from the fall and came to in pain and
 10 bleeding from his head while the two men discussed how to extricate him from his wedged
 11 position between the jet way and the aircraft doorway.
 12

13 5. After several minutes, the men were successful in getting Mr. Mansour back in
 14 the carrier seat and took him to his assigned seat, while his wife, Julia a trained nurse tended to
 15 his injuries for the duration of the flight to London. When the Mansour's arrived at their final
 16 destination of Beirut, Lebanon, Mr. Mansour sought and received treatment for his extensive
 17 injuries suffered in the accident.
 18

19 6. After the flight to London, Defendants further failed to advise plaintiffs of their
 20 right to pursue enforcement action against British Airways, and failed to investigate and/or
 21 provide plaintiffs with an admission or denial that plaintiffs rights under the Air Carrier Access
 22 Act, 49 U.S.C. § 41705 (ACAA) were violated, and failed to provide plaintiffs with a complete
 23 summary of the facts of the accident as required under the terms of the ACAA.
 24

25 **3.A. RELEVANT FACTS ABOUT WHICH DEFENDANTS DISPUTE**

26 1. Defendants deny that Huntleigh employees negligently, recklessly and carelessly
 27 dropped Mr. Mansour, head first, wedging his head and body between the jet way and the
 28

1 aircraft doorway causing serious bodily injury. This Court has ruled that “Defendants have
 2 failed to adduce sufficient evidence upon which a reasonable jury could find that Defendants
 3 were not negligent” and that “the Court hereby GRANTS Plaintiff’s Motion for Partial Summary
 4 Judgment as to Defendants’ liability to the full extent available under Article 21 of the Montreal
 5 Convention.” The Defendants further deny that Mr. Mansour blacked out from the fall and came
 6 to in pain and bleeding from his head while the two men discussed how to extricate him from his
 7 wedged position between the jet way and the aircraft doorway.
 8

9 2. The Defendants deny that Mr. Mansour suffered extensive injuries in the accident.
 10

11 3. The Defendants deny that they failed to advise plaintiffs of their right to pursue
 12 enforcement action against British Airways, and failed to investigate and/or provide plaintiffs
 13 with an admission or denial that plaintiffs rights under the Air Carrier Access Act, 49 U.S.C. §
 14 41705 (ACAA) were violated, and failed to provide plaintiffs with a complete summary of the
 15 facts of the accident as required under the terms of the ACAA. The Defendants further assert
 16 that such allegations are not material to the plaintiffs’ claims for injury and damage, the nature
 17 and extent of which are at issue in this case.
 18

19 **4. ISSUES OF LAW SUBMITTED BY PLAINTIFF**

20 1. The Court has granted Plaintiffs’ Motion for Summary Judgment on full liability
 21 of both defendants under The Montreal Convention.
 22

23 **4.A ISSUES OF LAW SUBMITTED BY PLAINTIFF**

24 1. It is unknown what Plaintiffs mean by their characterization of this Court’s Order.
 25 This Court has ruled that “Defendants have failed to adduce sufficient evidence upon
 26 which a reasonable jury could find that Defendants were not negligent” and that “the
 27 Court hereby GRANTS Plaintiff’s Motion for Partial Summary Judgment as to
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1 Defendants' liability to the full extent available under Article 21 of the Montreal
2 Convention."

3 **5. NAMES AND ADDRESSED OF PLAINTIFF'S WITNESSES AND**
4 **GENERAL NATURE OF EXPECTED TESTIMONY**
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6 The plaintiffs expects the following witnesses will testify:

7 1. Abdul Mansour
8 c/o Law Offices of Franklin L. Smith
9 2025 First Avenue, Suite 1200
10 Seattle, WA 98121
11 (206) 464-1911

12 Mr. Mansour will testify to the facts regarding this accident and his injuries as a result of
13 this accident.

14 2. Julia Mansour
15 c/o Law Offices of Franklin L. Smith
16 2025 First Avenue, Suite 1200
17 Seattle, WA 98121
18 (206) 464-1911

19 Mrs. Mansour will testify to the facts regarding this, among other things, as to the
20 effects this incident has had on Mr. Mansour and his life, and her relationship with him.

21 3. Sam Mansour
22 [Will Supplement]

23 Sam Mansour is Abdul Mansour's brother and will testify regarding how this accident
24 and resulting injuries has affected Abdul and Julia Mansour's life.

25 4. Amy Smith
26 [Will Supplement]

27 Amy Smith is plaintiffs' sister-in-law and will testify regarding how this accident and
28 resulting injuries has affected Abdul and Julia Mansour's life.

5. Alina M. Urriola, MD
Swedish Medical Group

604 NW Richmond Beach Road
Shoreline, WA 98177
(206) 533-2900

Plaintiffs may call Dr. Urriola who treated plaintiff for his injuries from this incident.

6. William A. Anderson, MD
Swedish Medical Group
1600 E. Jefferson Street, #300
Seattle, WA 98122
(206) 386-2677

Plaintiffs may call Dr. Anderson who treated plaintiff for his injuries from this incident.

7. Christopher Shuhart, MD
Swedish Medical Center
5300 Tallman Avenue NW
Seattle, WA 98107
(206) 782-2700

Plaintiffs may call Dr. Anderson who treated plaintiff for his injuries from this incident.

8. ATI Physical Therapy
6601 220th Street W., Suite A
Mountlake Terrace, WA 98043
(425) 775-7274

Plaintiffs may call a physical therapist who treated plaintiff for his injuries from this incident.

9. Dr. Nazeh Jaber
Anqoun – Center Haziemah First Floor
Beirut - Lebanon
07/205248-03/363126

Plaintiffs may call Dr. Jaber who treated plaintiff for his injuries from this incident.

10. Manual J. Gomes, Ph.D
Wilson Joon Chang, MD
Gregory D. Rudolf, MD
Sharon Hsin Hsu, Ph.D.
Katie S. Kapugi
Swedish Pain Center
600 Broadway, Suite 530
Seattle, WA 98122

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2 Plaintiffs may call one or all of the treating physicians at Swedish Pain Center who
3 treated plaintiff for his injuries from this incident.

4 11. Sonja Braasch
5 Occupational Therapist
6 Swedish
7 600 Broadway, Suite 580
8 Seattle, WA 98122

9 Plaintiffs may call Sonja Braasch who treated plaintiff for his injuries from this incident.

10 12. Cloie B. Johnson, Med
11 OSC Vocational Systems, Inc.
12 10132 NE 185th Street
13 Bothell, WA 98011
14 T: (425)949-4406

15 Cloie Johnson is expected to testify regarding the matters in Plaintiffs' Expert Witness
16 Disclosure and the matters in Ms. Johnson's Report pursuant to Federal Rule of Civil Procedure
17 26, previously served on Defendant.

18 **5.A NAMES AND ADDRESSED OF DEFENDANTS' WITNESSES AND**
19 **GENERAL NATURE OF EXPECTED TESTIMONY**

20 1. Abdinisar B. Fahiye
21 Huntleigh USA
22 c/o Northcraft Bigby PC
23 819 Virginia Street
24 Suite C-2
25 Seattle, WA 98101
26 (206) 623-0229

27 Mr. Fahiye may testify as to how the accident involving Mr. Mansour occurred.

28 2. Dr. Jennifer James
801 Pine St., Suite 100
Seattle, WA 98101
(206) 226-9183

Dr. James is Board Certified in Physical Medicine and Rehabilitation and Board Certified in Spinal Cord Injury Medicine and specializes in spine, neck and back injuries. She has an active practice surrounding spinal cord injury diagnosis and treatment, neurotrauma rehabilitation, and life care planning. She performed an Independent Medical Exam, pursuant to Civil Rule 35, on Plaintiff Abdul Mansour on January 27, 2020. Dr. James also reviewed the deposition testimony of the Plaintiffs and medical records obtained subsequent to her Independent Medical Exam of Mr. Mansour. Dr. James will testify that the injuries experienced by Mr. Mansour as a result of the fall on January 10, 2018 have completely resolved.

3. Rebecca S. Bellerive, RN, CCM, CLCP
5500 Olympic Dr., Ste. H105, PMB 244
Gig Harbor, WA 98335

Ms. Bellerive is a registered nurse, certified case manager, certified disability management specialist and certified life care planner. Ms. Bellerive will testify that based upon the Independent Medical Exam and follow-up thereto by Dr. James that Mr. Mansour does not need a life care plan related to the injuries Mr. Mansour experienced during the fall on January 10, 2018.

**6. LIST OF EXHIBITS WHICH MAY BE OFFERED BY PLAINTIFF AT
TIME OF TRIAL (EXCEPT EXHIBITS TO BE USED FOR
IMPEACHMENT ONLY)**

Plaintiffs intend to present exhibits to the jury in both electronic and paper format. A list of exhibits plaintiffs may offer at the time of trial, excluding impeachment exhibits, is as follows:

Plaintiffs expect to offer the following documents or other exhibits:

1. Plaintiff's medical records and billing invoices.

2. Documents and invoices/receipts for all medical and other expenses related to this accident.
3. Photographs of Plaintiff Abdul Mansour's injuries.
4. Dr. Hsu's Report.
5. Dr. Urriola's Report.
6. Cloie Johnson's Report.

**6.A LIST OF EXHIBITS WHICH MAY BE OFFERED BY DEFENDANTS AT
TIME OF TRIAL (EXCEPT EXHIBITS TO BE USED FOR
IMPEACHMENT ONLY)**

1. Medical Records of Plaintiff Abdul Mansour.
2. Dr. James report of her Independent Medical Exam and addendum thereto.

7. VIRTUAL BENCH TRIAL

The parties do not agree to a virtual bench trial.

DATED this 18th day of August, 2020.

/s/ Franklin L. Smith
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/s/ Mark S. Northcraft
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Telephone: (206) 623-0229
Facsimile: (206) 623-0234
E-mail: mark_northcraft@northcraft.com
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Franklin L. Smith
frank@flyonsmith.com, jeninem@flyonsmith.com

SIGNED in Seattle, Washington on August 18, 2020.

/s/ Lilly B. Tang
Lilly B. Tang
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